



PUBLIC MEETING

August 20, 2015
MINUTES

The Lewis and Clark County Commissioners Public Meeting was held on Thursday, August 20, 2015, at 9:00 AM in Commission Chambers Room 330.

Roll Call

Chairman Andy Hunthausen called the meeting to order at 9 a.m.

Commissioner Susan Good Geise and Commissioner Mike Murray were present. Others attending all or a portion of the meeting included Eric Bryson, Michele Peterson-Cook, K. Paul Stahl, Paul Spengler, Greg McNally, Al Knauber, Glenn Hayes, Autumn Coleman, Dill Snoddy, Tim Summers, Elaine Summers, Randi Rogulie, Matthew Kenney, Jacob Reller, Rebecca Kambil, and Nichole Nisbet, Recording Secretary.

Pledge of Allegiance

Everyone recited the pledge.

Consent Action Items

- a. Resolution 2015-119 Ordering a Refund of Taxes/Fees/Assessments Paid by DeLange Landen Operational Services, LLC in the Amount of \$402.57. (Cheryl Green)
- b. Resolution 2015-120 Ordering a Refund of Taxes/Fees/Assessments Paid by Michael & Kelly Egeline in the Amount of \$981.36. (Cheryl Green)
- c. Agreement between Lewis & Clark County and Helena Television Coalition dba Helena Civic Television. (Eric Bryson)

Eric Bryson reported on the consent action items 2a-c and recommended approval.

No public comment was received.

A motion to Approve was made by Commissioner Murray and seconded by Commissioner Good Geise. The motion Passed on a 3-0 vote.

Grant Award FFY15-16 Emergency Management Performance Grant. (Paul Spengler)

Paul Spengler, DES Coordinator, presented the Emergency Management Performance grant award in the amount of \$50,755. The grant award assists in covering the salary and expenses for the DES Coordinator.

No public comment was received.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

Request to Close and Vacate a Segment of Townsend Street in Blocks 1 and 6 in the Hewins Addition. (tabled 7/28/15) (Applicants: Doyle Davis and D&D RV Storage, LLP) (Planner: Frank Rives)

Greg McNally, Planner II, presented the request to close and vacate a segment of Townsend Street in Blocks 1 and 6 in the Hewins Addition. Staff has met with the applicant and discussed the possibility of an encroachment agreement if the Commission decided not to grant the road closure and vacation. The

applicant did express a preference to acquire the right-of-way. Additional comments were received from City Planning and staff. The City Staff said that prior to any abandonment of streets in the area, they would like to see a master plan prepared by the property owners in the area detailing what they would like to see for the area. It was noted that the status of Boulder Street and California Street is still undecided. City Engineer Ryan Leland said that storm water management is a big issue and it was noted that the City of Helena has stringent criteria to meet regarding storm water management. Retaining rights-of-way might be a good asset for the City to have for future possible trade-offs. In addition Centennial Trail and possible future development of California Street to deal with the issue of possibly rerouting traffic currently using Boulder Street was discussed.

No public comment was received.

Commissioner Geise stated that she would support an encroachment agreement between the County and the applicant. She also stated the applicant's request to have 180 days' notice to revoke the encroachment agreement rather than 60 days was reasonable and would support the request.

Commissioner Murray stated he would also support an encroachment agreement and noted that the City and County does not currently have a plan for that area.

Commissioner Hunthausen stated he would also support the encroachment agreement and stated that planning for that area needs to happen between the City, the County and other entities.

A motion to Deny was made by Commissioner Murray and seconded by Commissioner Good Geise. The motion Passed on a 3-0 vote.

Request to Close and Vacate a Segment of Townsend Street in Blocks 2 and 5 in the Hewins Addition. (tabled 7/28/15) (Applicant: Eastside Storage, LC) (Planner: Frank Rives)

Greg McNally, Planner II, presented the request to close and vacate a segment of Townsend Street in Blocks 2 and 5 in the Hewins Addition. Staff has met with the applicant and discussed the possibility of an encroachment agreement if the Commission decided not to grant the road closure and vacation. The applicant did express a preference to acquire the right-of-way. Additional comments were received from City Planning and staff. The City Staff said that prior to any abandonment of streets in the area, they would like to see a master plan prepared by the property owners in the area detailing what they would like to see for the area. It was noted that the status of Boulder Street and California Street is still undecided. City Engineer Ryan Leland said that storm water management is a big issue and it was noted that the City of Helena has stringent criteria to meet regarding storm water management. Retaining rights-of-way might be a good asset for the City to have for future possible trade-offs. In addition Centennial Trail and possible future development of California Street to deal with the issue of possibly rerouting traffic currently using Boulder Street was discussed.

No public comment was received.

Commissioner Geise stated that the reasoning for the denial is the same as the request before for Blocks 1 and 6.

Commissioner Murray stated he would support an encroachment agreement from the applicant.

Commissioner Hunthausen stated he would also support an encroachment agreement and noted the need for future planning in that area.

A motion to Deny was made by Commissioner Good Geise and seconded by Commissioner Murray. The motion Passed on A 3-0 vote.

Final Plat Application and Subdivision Improvements Agreement for the Amended Plat of Lot 2A, Timberworks Estates (Phases II & III), Doc. No. 3238134 [A.K.A. Timberworks Estates Subdivision (Phase IV)]. (Applicant: Frontier Builders, Inc.) (Planner: Greg McNally)

Greg McNally, Planner II, presented the final plat application for the preliminarily approved 29-lot subdivision located west of and adjacent to North Montana Avenue and north of and adjacent to Lincoln Road. The applicant has submitted an application for final plat approval of the Timberworks Estates Subdivision, Phase IV, a proposed subdivision that will create 29 lots. Preliminary approval for this subdivision was granted on March 1, 2011. This approval was later modified on March 15, 2012,

September 4, 2012, and December 4, 2014. This plat is found to be in substantial compliance with the Lewis and Clark County Subdivision Regulations. With the exception of Condition No. 15.f, all conditions of approval have been met. The applicant has indicated they do not want to graphically show and describe fifteen foot setbacks from all property lines as setbacks from property lines are included in existing Special Zoning District No. 48. The proposed lots for Phase IV have a zoning classification of R1/R2: residential and will be subject to a 25 foot front yard setback and 15 foot side and rear yard setbacks. It should be noted that setback requirements are already in effect as described in existing covenants on file with the Clerk and Recorder. To meet one of the conditions of approval regarding the internal access road, the applicant is proposing to enter into a Subdivision Improvements Agreement in which the applicant would apply asphalt seal coat to the internal access roads. The amount of \$19,825.81 is guaranteed with a letter of credit from the applicant.

No public comment was received.

A motion to Approve was made by Commissioner Good Geise and seconded by Commissioner Murray. The motion Passed on a 3-0 vote.

Department of Environmental Quality Abandoned Mines Program Grizzly Gulch Project Presentation. (Bill Snoddy)

Bill Snoddy, Abandoned Mine Lands Program Manager for DEQ, presented the abandoned mines program Grizzly Gulch Project presentation. The program was contacted by a family in the Grizzly Gulch area with concerns about a collapsed mine on their property. The shaft openings represent a danger to the family and visitors to the home. The collapse resembles a sink hole that is the remains for a vertical shaft that was dug on the property in the last quarter of the 19th century. The program is at no cost to the County or the homeowners. The Montana Abandoned Mine Lands plans to excavate the debris in the shaft, recover any available top soil and back fill the excavation with material available on the property. The goal is to take the project on this fall and get the mine shaft stabilized. The project is estimated to cost \$5,000. It was noted that there are 3,200 abandoned coal mines and 3,500 abandoned hard rock mines throughout the state.

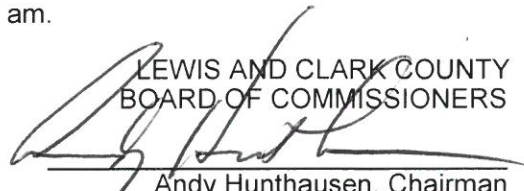
No public comment was received.

Public comment on any public matter within the jurisdiction of the Commission that is not on the agenda above.

Adjourn

There being no further business, the meeting adjourned at 9:43 am.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Andy Hunthausen, Chairman



Michael Murray, Vice Chair



Susan Good Geise, Member

ATTEST:



Paulette DeHart, Clerk of the Board